IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3452 OF 1997

Madhav G. Pradhan. ...Applicant
V/s.
Parikh & Associates & Anr. ...Respondents

Mr.S.V. Marwadi for Applicant.
Mr.S.S. Tatkare, APP for State.

CORAM : V.M. KANADE, J.

DATED : JANUARY 10, 2006

P.C. :-

. Heard learned Advocate for the applicant. None appears on behalf of respondent no.1 though served. Mr.Tatkare, APP appears for the State.

. This application was admitted by order dated 5th May, 1998 and it was directed to be heard alongwith a group of petitions bearing Nos.3112/97 to 3116/97 and 3120/97 to 3122/97 and two other matters. All these matters were heard by this Court (Coram : V.G. Palshikar, J.) on 22nd June, 2005 and these applications were allowed and the process issued in these cases were quashed.

2. It appears that inadvertently this application was not placed alognwith the said group of matters though a specific direction was given by this Court when the matter was admitted.

3. By that as it may. The fact remains that from the perusal of the Judgment of this court in group of matters on 22nd June, 2005 and the facts that averments which are mentioned in this petition, it is clear that the facts in this case are identical to the facts and the submissions made in the said group of criminal applications.

4. The grievance of the applicant in the present application essentially is that no averment has been mentioned in the complaint by the complainant regarding his role in the issuance of the cheques which were dishonoured. It is submitted that in view of this lacunae, the complaint against the present applicant is liable to be quashed. The learned Single Judge has disposed of the said group of criminal applications wherein the facts are identical after relying on several

judgments of the Supreme Court by quashing the process which was issued in the said group of matters.

5. Since the facts in the present case are identical, in my view, ratio of the said judgment will be squarely application to the facts of the present case. In the result, Criminal Application is allowed. The process issued against the applicant is quashed.

. Criminal Application is allowed in above terms.

(V.M. KANADE, J.)